

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

ERNEST HENDERSON,

Plaintiff,

v.

**CLAY D. LAND, *United States Chief
District Judge for the Middle District of
Georgia,***

Defendant.

CIVIL ACTION NO. 4:16-CV-32 (MTT)

ORDER

The Plaintiff has moved for leave to appeal in forma pauperis. (Doc. 12). The Court previously granted the Plaintiff's motion to proceed in forma pauperis in the district court action. (Doc. 6). In that order, the Court also denied the Plaintiff's motion for recusal and dismissed his claim against Judge Land as frivolous because it failed to state a claim upon which relief could be granted.

Pursuant to 28 U.S.C. § 1915(a)(3), "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." "A party demonstrates good faith by seeking appellate review of any issue that is not frivolous when examined under an objective standard." *Ghee v. Retailers Nat'l Bank*, 271 F. App'x 858, 859 (11th Cir. 2008) (citing *Coppedge v. United States*, 369 U.S. 438, 445 (1962)). Furthermore, Rule 24(a)(3) of the Federal Rules of Appellate Procedure provides: "A party who was permitted to proceed in forma pauperis in the district-court action ... may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith”

Even in light of the less stringent pleading standard for pro se plaintiffs, the Plaintiff’s claim against Judge Land and his motion for recusal are frivolous because they are “without arguable merit either in law or fact.”¹ *Napier v. Preslicka*, 314 F.3d 528, 531 (11th Cir. 2002) (internal quotation marks and citation omitted). Therefore, the Court certifies that the Plaintiff’s appeal is not taken in good faith, and his motion is **DENIED**.

SO ORDERED, this 23rd day of May, 2016.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

¹ In his motion for leave to appeal in forma pauperis, the Plaintiff lists several other issues for appeal including “entrapment into a frivolous claim” by the undersigned; “obstruction,” “conflict of interest,” and “denial of counsel” by the undersigned; intimidation by the district court’s staff through security; and “entrapment and harassment by clerk staff.” All of these issues are frivolous as they lack arguable merit either in law or fact.